

**Attachment: A**

Council Meeting of  
May 7, 2024

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT: City Council - Discuss and Determine Action regarding Airport Commission.  
Expenditure: None.**

**RECOMMENDATION**

In response to an oral request by Council Member Aurelio Mattucci with concurrence of the City Council, it is the recommendation of the City Council that the City Council discuss and determine direction regarding the Airport Commission acting on an item not on the agenda.

**FUNDING**

None required.

**BACKGROUND AND ANALYSIS**

During the Airport Commission's meeting of April 11, 2024, the Airport Commission made a motion and voted on a motion that was not on the agenda. The motion was made to empower the Chair of the Airport Commission to set up a meeting with the City Manager, the Mayor, and community member Jim Gates to answer questions from Mr. Gates relating to the taxiway lighting project and to return with a report to the Commission. The Brown Act prohibits legislative bodies from acting on items that are not on the agenda.

Additionally, it should be noted that beyond the Brown Act issue, the motion was an *ultra vires* act (beyond the powers) by the Airport Commission. The Airport Commission is an advisory body to the City Council. The Airport Commission does not have investigatory powers or have the power to demand meetings to question the City Manager or the Mayor. The powers of the Airport Commission are limited to those found in the Torrance Municipal Code. Staff has answered questions related to the taxiway lighting project in previous Airport Commission agenda items, including the meeting of April 11, 2024, in emails, and in Agenda Item 8D at the City Council meeting of April 9, 2024.

On April 23, 2024, Council Member Aurelio Mattucci made the following oral request that received City Council concurrence:

Requesting concurrence of my colleagues that City staff be directed to bring an agenda item on May 7<sup>th</sup> to: (1) cancel the Airport Commission meeting on May 9<sup>th</sup>, (2) call a special meeting of the Torrance Airport Commission to address and retract a non-agendized action taken by the Commission, and (3) provide Brown Act training to the Airport Commission prior to the Airport Commission returning to their regularly scheduled meetings.

A violation of the Brown Act can lead to invalidation of the legislative body's action, payment of a challenger's attorney fees, and even criminal prosecution. One option is for any interested person, including the district attorney, to seek to invalidate actions of a legislative body on the grounds that they invalidate an action of a legislative body on the grounds that they violate the Brown Act. Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written cure or correct demand to the legislative body within 30 days for an open session violation and 90 days for a closed session violation. The City Council can direct staff to send the cure and correct demand. The Airport Commission will then have up to 30 days to cure and correct its action.

Another option is for any interested person, including the district attorney, to file a civil action to determine whether a past action of the legislative body constitutes a violation of the Brown Act and is subject to a mandamus, injunction, or declaratory relief action. Before filing an action, the interested person must, within 9 months of the alleged violation of the Brown Act, submit a cease and desist letter to the legislative body. The Airport Commission would then have 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.

A violation of the Brown Act is a misdemeanor if (1) a member of the legislative body attends a meeting where action is taken in violation of the Brown Act, and (2) the member intends to deprive the public of information that the member knows or has reason to know the public is entitled to.

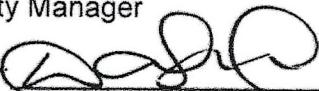
Staff is seeking direction from the City Council on how it would like to proceed regarding the Airport Commission acting on an item not on the agenda. Additional options for the Council to consider are:

1. Removing a member or members from the Airport Commission.
2. Suspending the activities of the Airport Commission for a certain period of time.
3. Dissolve the Airport Commission

Dissolving of the Airport Commission would entail the Transportation Committee of the City Council to be convened when necessary to hear certain items pertaining to the Airport. Items not needing to be heard by the Transportation Committee would be presented straight to the City Council.

Respectfully submitted,

Aram Chaparyan  
City Manager

By   
Danny Santana  
Assistant City Manager

CONCUR:

  
Aram Chaparyan  
City Manager